

**From:** Tzhone, Stephen  
**To:** [Sanchez, Carlos](#); [Meyer, John](#)  
**Cc:** [Moran, Gloria](#); [Ortiz, Diana](#); [Patrick, Dwayne](#); [Kirst, Tina](#); [Ford, Mark](#); [Lane, Leticia](#)  
**Subject:** RE: Arkwood Superfund Site, EPA ID: ARD084930148, Site ID: 06A3 - Request for information and official position  
**Date:** Thursday, June 04, 2015 2:12:00 PM

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Gloria just discussed with me that since Curt is now represented by counsel, she will be drafting a response.

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**From:** Ford, Mark  
**Sent:** Thursday, June 04, 2015 1:57 PM  
**To:** Moran, Gloria  
**Cc:** Ortiz, Diana; Patrick, Dwayne; Kirst, Tina; Tzhone, Stephen; Meyer, John  
**Subject:** Re: Arkwood Superfund Site, EPA ID: ARD084930148, Site ID: 06A3 - Request for information and official position

Gloria:

After speaking with Ben Harrison, we do not need to treat the email(s) as a FOIA. Rather, if the program recipient of the email can provide the document information and their Management approves, then they can do so.

As for formulating an answer to the questions, this also falls back to the program recipient and its Management to address or not. Dwayne Patrick and I spoke with John Meyer yesterday about this and John said he would discuss next steps with Stephen Tzhone.

Also, John Meyer did say that he thought at some level you should be involved with this situation. You may want to confer with John more about his thoughts.

Mark Ford  
Senior Attorney/ORC  
Superfund/FOIA

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**From:** Moran, Gloria  
**Sent:** Tuesday, June 2, 2015 5:53 PM  
**To:** Ford, Mark  
**Cc:** Ortiz, Diana; Patrick, Dwayne; Kirst, Tina  
**Subject:** RE: Arkwood Superfund Site, EPA ID: ARD084930148, Site ID: 06A3 - Request for information and official position

Hi Mark:



9595769

Yes, FOIA requires the release of responsive documents that are in existence as of the date of the request. As I indicated to you in our phone conversation last week, I forwarded the two email requests from Mr. Grisham to the FOIA team, with a full understanding that a reading of his requests requested primarily explanations, which cannot be satisfied under FOIA. I am aware that the reading of his requests for areas that require a document response would result in a very narrow set of documents that could be produced.

Thank you for your response.

*Gloria Moran*

**Assistant Regional Counsel (6RC-S)**

**Superfund Branch**

**U.S. Environmental Protection Agency, Region 6**

**1445 Ross Avenue**

**Dallas, Texas 75202**

**214-665-3193 (phone)**

**214-665-6460 (fax)**

**[moran.gloria-small@epa.gov](mailto:moran.gloria-small@epa.gov)**

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**From:** Ford, Mark

**Sent:** Tuesday, June 02, 2015 3:17 PM

**To:** Moran, Gloria

**Cc:** Ortiz, Diana; Patrick, Dwayne; Kirst, Tina

**Subject:** Re: Arkwood Superfund Site, EPA ID: ARD084930148, Site ID: 06A3 - Request for information and official position

Gloria:

FOIA requires that responsive documents be provided from the date of the filed FOIA backward, not forward. Accordingly, the below communication will start from May 25, 2015 back. Any previously released documents to the Requestor or already available via FOIA online will be noted in the Response.

Mark Ford  
Senior Attorney/ORC  
Superfund/FOIA

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**From:** Ortiz, Diana

**Sent:** Tuesday, June 2, 2015 2:47 PM

**To:** Ford, Mark

**Subject:** FW: Arkwood Superfund Site, EPA ID: ARD084930148, Site ID: 06A3 - Request for information and official position

*Diana Ortiz*

*Superfund FOIA Coordinator*

*Information Management Team (6SF-VJ)*

*(214) 665-7315*

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**From:** Moran, Gloria

**Sent:** Wednesday, May 27, 2015 3:10 PM

**To:** Patrick, Dwayne; Ortiz, Diana

**Subject:** FW: Arkwood Superfund Site, EPA ID: ARD084930148, Site ID: 06A3 - Request for information and official position

Dwayne and Dee Dee:

Please treat the email below from Curt Grisham to John Meyer et al., dated May 25, 2015 as a request under FOIA. Mr. Grisham's email contains the following request:

**[provide] me copies or notes of each and every contact McKesson and its representatives have with EPA from this point forward, be that communication via letter, email, telephone or other means.**

Thank you,

*Gloria Moran*

Assistant Regional Counsel (6RC-S)

Superfund Branch

U.S. Environmental Protection Agency, Region 6

1445 Ross Avenue

Dallas, Texas 75202

214-665-3193 (phone)

214-665-6460 (fax)

[moran.gloria-small@epa.gov](mailto:moran.gloria-small@epa.gov)

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**From:** CC Grisham [[mailto:grish@me.com](mailto:mailto:grish@me.com)]

**Sent:** Monday, May 25, 2015 6:15 PM

**To:** Meyer, John

**Cc:** Charles Curtis Grisham Jr.; McCarthy, Gina; Elkins, Arthur; Garbow, Avi; Ulmer, Craig; Fugh, Justina; Curry, Ron; Seager, Cheryl; Peycke, Mark; Moran, Gloria; Sanchez, Carlos; Tzhone, Stephen; [Lori.Schechter@mckesson.com](mailto:Lori.Schechter@mckesson.com); [Carole.Ungvarsky@McKesson.com](mailto:Carole.Ungvarsky@McKesson.com); [presidingdirector@mckesson.com](mailto:presidingdirector@mckesson.com); [leaddirector@mckesson.com](mailto:leaddirector@mckesson.com); [nonmanagementdirectors@mckesson.com](mailto:nonmanagementdirectors@mckesson.com); [john.hammergren@mckesson.com](mailto:john.hammergren@mckesson.com); [michael.huaco@mckesson.com](mailto:michael.huaco@mckesson.com); [jedgcomb@edgcomb-law.com](mailto:jedgcomb@edgcomb-law.com); Adam Baas

**Subject:** Re: Arkwood Superfund Site, EPA ID: ARD084930148, Site ID: 06A3 - Request for information and official position

Dear John,

It is evident that EPA Region 6 Superfund automatically and immediately alerts McKesson Corporation representatives of my contacts with EPA.

As evidence, please see the attached threatening demand letter sent May 15, 2015 by McKesson attorney John D. Edgcomb to my 83-year-old father on the same date as Stephen Tzhone's email acknowledgement to me below.

Mr. Edgcomb's letter to my father states in part:

**"Now, even after McKesson has sued you to stop such unauthorized communications, we have learned from EPA that your son and agent, Curt, as recently as yesterday, brazenly continues to engage in just such unauthorized communications regarding the Arkwood site in further breach of the Settlement Agreement."**

As you know, McKesson has sued my elderly father (*not me*) in United States District Court to stop *my* (not my father's) allegedly "unauthorized communications" with EPA and other authorities.

**Therefore, I *again* request that EPA afford me the same courtesy it does McKesson Corporation and its attorneys by *immediately* alerting and providing me copies or notes of each and every contact McKesson and its representatives have with EPA from this point forward, be that communication via letter, email, telephone or other means.**

Previously, I have been required by EPA Region 6 management to obtain this information through FOIA, involving delays of months at times.

I have complained to you of this unjust disparity in the past. Please see attached my email to you of April 4, 2014, including its attachment, Gloria Moran's March 25, 2014 letter to John Edgcomb. In that email I wrote to you in part:

**"Furthermore, why had EPA 'stated this to McKesson Corporation at a meeting last December' but failed to address it with my father until March 25, 2014 or with me *ever*?"**

**"All I got was a courtesy copy of Ms. Moran's letter to my father by way of notification of the change affecting myself.**

**"I got no courtesy copy of Ms. Moran's March 25th, 2014 letter to McKesson attorney John Edgcomb (attached,) which mentions me by name at least eight (8) times.**

**"I find these to be further example of patently unfair treatment by EPA of my family and me coinciding with favored treatment by EPA of McKesson Corporation.**

**"Curt Grisham"**

Sincerely,

Curt